

REMARKS/ARGUMENTS

The Office Action dated October 23, 2007, has been carefully considered. The Applicants respectfully request reconsideration of the application in view of the foregoing amendments and the following remarks.

The specification has been amended to address the objections raised by the Examiner.

Claims 3 and 6-8 have been cancelled without prejudice. Claims 1, 4, 5, 22, 23, and 32 have been amended. Claims 1, 2, 4, 5, 9-24, 27, and 32 are pending following the above amendments.

Interview Summary

A telephonic interview at the request of Applicants' attorney Philippe L. Durette was held on November 13, 2007, with Examiner Mark Berch. The Applicants' attorney indicated that he would amend the application to overcome the Examiner's objections to the term "alkyl" and that he would provide support for the "1,5-*a*" nomenclature used in naming the examples in the application.

Election/Restrictions

Applicants hereby affirm the telephonic provisional election of Group I with traverse. Group I consists of Claims 1-2 (part), 3-5, 9-21 (part), 22-23, 24 (part), 27 (part), and 32 (part) drawn to compounds, compositions, and methods of use wherein X=N in structural formula (I). The Applicants maintain that the two groups identified by the Examiner have the same 3-amino-4-phenyl-butanoic acid core to which is attached a tetrahydrotriazolopyrazine or a tetrahydropyrazolopyrazine nucleus and therefore that there is a technical relationship between the two groups. In the event that the restriction requirement is made final, Applicants elect Group I, as indicated, holding Group II in abeyance for further prosecution in a divisional application.

Improper Markush Group

The Examiner has rejected Claims 1, 2, 9-21, 24, 27, and 32 as being drawn to an improper Markush group because they are deemed to lack unity of invention. In the

newly amended claims, the Applicants have restricted the claimed invention to compounds, compositions, and methods of use wherein $X=N$ in structural formula (I). The Applicants respectfully submit that the present limitation of the claimed invention suffices to overcome the Examiner's objection of an improper Markush group and respectfully request that this rejection be withdrawn.

Claims 1-5, 9-24, 27, and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

Claim 32 has been rewritten to remove the objected-to terms "GIP" and "such as". Claim 23 has been amended to recite "cyclopropyl" in place of "cPr." Claims 22 and 23 have been amended to define "Me" as being "methyl." The specification has been amended to exclude cyclic structures from the definition of "alkyl." The Applicants therefore respectfully request that this section 112 rejection be withdrawn.

Specification

The specification is objected to because the compounds are misnamed. The Applicants have corrected the specification to use the correct name 5,6,7,8-tetrahydro-[1,2,4]-triazolo[1,5-a]pyrazine in place of 5,6,7,8-tetrahydro-[1,2,4]-triazolo[4,3-a]pyrazine in all the instances where the error occurs. Support for this corrected name can be found in A.R. Katritsky, (ed.), Comprehensive Heterocyclic Chemistry, Volume 8, Part 6, page 969, a copy of which is being made of record with this amendment.


Abstract

An abstract on a separate sheet as required by 37 CFR 1.72(b) is enclosed with this amendment. The abstract sets forth what the invented compounds look like.

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The Applicants believe that all of the objections have been overcome by amendment and argument, and they therefore earnestly solicit an early Notice of Allowance.

Respectfully submitted,

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Date: December 14, 2007
Enclosures

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By Pamela Spalding Date 12-14-07

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*The Structure, Reactions, Synthesis
and Uses of
Heterocyclic Compounds*

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Part 6

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II. Rees, Charles W. (Charles Wayne)

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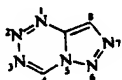
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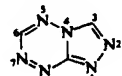
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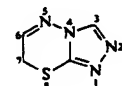


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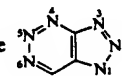
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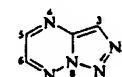
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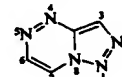
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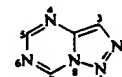
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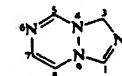
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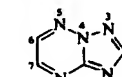
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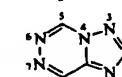
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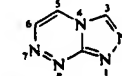
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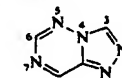
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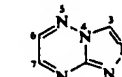
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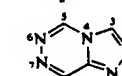
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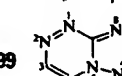
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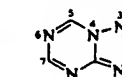
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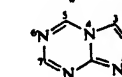
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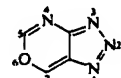


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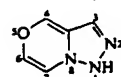


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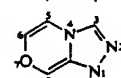
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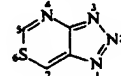


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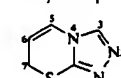


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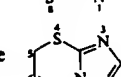
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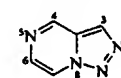


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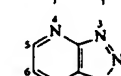


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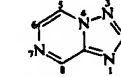
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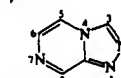
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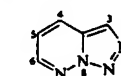
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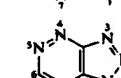
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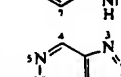
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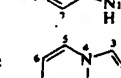
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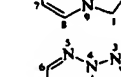
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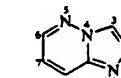
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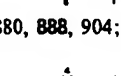
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